

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

YEHUDAH ZVI,

Plaintiff,

v.

BLANCO COUNTY SHERIFF'S
OFFICE, et al.,

Defendant.

§
§
§
§
§
§
§
§
§
§

1:22-CV-981-RP

ORDER

Before the Court is the report and recommendation of United States Magistrate Judge Dustin Howell concerning Defendant Blanco County Sheriff's Office and CAN/Western Surety Company's ("Sheriff Defendants") Motion to Dismiss, (Mot. Dismiss, Dkt. 7), and Defendant Texas Association of Counties' ("TAC") Motion to Dismiss, (Mot. Dismiss, Dkt. 8). (R. & R., Dkt. 27). Plaintiff Yehudah Zvi ("Plaintiff") timely filed objections to the report and recommendation. (Objs., Dkt. 31).

A party may serve and file specific, written objections to a magistrate judge's findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. 28 U.S.C. § 636(b)(1)(C). Because the Plaintiff timely objected to the report and recommendation regarding the Sheriff Defendants' motion to dismiss, the Court reviews that portion of the report and recommendation *de novo*. Furthermore, because the Plaintiff objected only to the report and recommendation regarding Sheriff Defendants, the remainder of the report and recommendation pertaining to TAC is reviewed for clear error. *See* Fed. R. Civ. P. 72 advisory committee's note ("When no timely objection is filed, the district court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation."). Having done so, and for

the reasons given in the report and recommendation, the Court overrules the Plaintiff's objections and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the report and recommendation, (Dkt. 27), is **ADOPTED**.

IT IS FURTHER ORDERED that the Sheriff Defendants' Motion to Dismiss for Failure to State a Claim, (Dkt. 7), is **GRANTED**.

IT IS FURTHER ORDERED that TAC's Motion to Dismiss for Failure to State a Claim, (Dkt. 8), is **GRANTED**.

IT IS FINALLY ORDERED that Plaintiff's claims against the Sheriff Defendants are **DISMISSED WITHOUT PREJUDICE** and Plaintiff's claims against TAC are **DISMISSED WITH PREJUDICE**.

For clarity, Plaintiff's claims against the remaining defendants remain.

SIGNED on June 8, 2023.

A handwritten signature in blue ink, appearing to read "Robert Pitman", is written above a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE